

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-27929 - APPLICANT/OWNER: APOSTOLIC ASSEMBLY OF THE FAITH IN CHRIST JESUS

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 16, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-26818) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The site plan displays a total of 29 parking spaces of which 13 are compact and two are handicap spaces. Title 19 requires a total of 32 parking spaces for a Church/House of Worship use and only allows a maximum of eight compact parking spaces. This request constitutes a 9% deviation from the amount of parking required and a 62.5% deviation the maximum compact spaces allowed. Staff cannot support the over-building of the site as it is the result of a self-imposed hardship.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/02/71	The Board of City Commissioners approved a Rezoning (Z-0013-71) from R-4 (Apartment Residence) to P-R (Professional Office and Parking) at the southeast corner of Stewart and 15 th Street.
02/24/77	The Board of Zoning Adjustment approved a Variance (V-0014-77) to allow a credit union in a P-R (Professional Offices and parking) where financial institutions are not permitted at 218 North 15 th Street.
05/26/77	The Board of Zoning Adjustment approved a Variance (V-0040-77) to allow a credit union in a P-R (Professional Offices and parking) where financial institutions are not permitted at 218 North 15 th Street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan (GPA-2497) from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
06/12/08	The Planning Commission recommended approval of companion item SDR-26818 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #17/ed).
<i>Related Building Permits/Business Licenses</i>	
1956	The existing building was constructed.
04/10/92	A building permit (#092141145) was issued for an interior remodel of existing commercial building.
<i>Pre-Application Meeting</i>	
12/05/07	Applicant explained the existing building is being expanded in size and remodeled for use as a church. The requirements for submitting a Site Development Plan Review were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
12/05/07	The entrance to this building is on 15 th Street. The area in front of building is asphalt with a palm tree in planter box in the front. A drive through aisle and window is located on the Stewart Street side. The planter width on the east interior perimeter appears to be approximately three feet wide. The large pine tree shown on the site plan is located on the neighboring property to the east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.58

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	MXU (Mixed Use)	P-R (Professional Office and Parking)
North	Multi-Family	MXU (Mixed Use)	R-3 (Medium Density Housing)
South	Single Family Residential	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Single Family Residential	MXU (Mixed Use)	R-1 (Single Family Residential)
West	Church	MXU (Mixed Use)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	

Fixed Seating	501 bench linear feet	1 space per each 20 linear feet	6	1	6	1	Y
Non Fixed Seating	1 space / 4 seats	1 Space per 100 Square Feet non-fixed seating area	24	1	21	1	N
SubTotal			30	2	27	2	N
TOTAL			32 spaces		29 spaces		N

ANALYSIS

The site plan displays a total of 29 parking spaces of which 13 are compact and two are handicap spaces. The proposed use of a Church/House of Worship requires a total of 32 parking spaces and only allows a maximum of eight compact parking spaces. The proposed 1,056 square-foot addition to the existing 4,161 square-foot building reduces the amount of parking provided thereby requiring this Variance. This over-building is causing the subject site not to be in conformance with Title 19 parking standards; therefore staff recommends denial of this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by over-building the subject site. Alternatively, not constructing the proposed addition would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 282 by City Clerk

APPROVALS 0

PROTESTS 1